

LAW OFFICES
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101 N. MAIN STREET
SUITE 800
ANN ARBOR, MICHIGAN 48104-1476

(734) 913-9300
FACSIMILE (734) 913-6007
jposa@patlaw.com
dwathen@patlaw.com

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DATE: February 13, 2004

TO: PTO

FACSIMILE NO.: 703-872-9306

FROM: John Posa / Sheryl

PAGES TRANSMITTED (INCLUDING COVER SHEET): 4

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RE: SN 09/829,033

MESSAGE:

After speaking with Examiner H. Sawhney who stated that the attached Response was not of record in the PTO's system, attached is the Response filed October 16, 2003, as evidenced by the PTO date-stamped postcard. Please put the Response into the system for viewing by Examiner Sawhney.

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PATENT

The received stamp of the U.S. Patent and Trademark Office imprinted
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☒ Transmittal Letter ☐ New Patent Application
____ Page(s) Specifications ____ Page(s) Claims
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☐ Small Entity Declaration ☐ Declaration & Power of Atty
☐ IDS, PTO 1449 & Patents ☐ Assignment & Recordation Cover Sheet
☒ Amendment/Response ☐ Check ____
Other: _____

Inventor: Venegas Jr.
Serial/Reg. No. 09/899,033 Atty Docket No. IDS-14302/14
Date: 10-14-03 Date Due: 10-14-03
☒ Cert. Of Mailing/Express Mail

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Venegas, Jr.

Serial No.: 09/829,033

Group No.: 2875

Filed: April 9, 2001

Examiner: Sawhney

For: LIGHTED STANCHION COVER

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the attached correspondence comprising:

Response to Office Action
Postcard

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

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Commissioner for Patents
PO Box 1450
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On Oct. 14, 2003.



Sheryl L. Hammer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Venegas, Jr.

Serial No.: 09/829,033

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RESPONSE TO OFFICE ACTION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed July 14, 2003, the claims of this application are being resubmitted once again in unamended form for further prosecution. Applicant had intended for this matter to be resolved by the Board of Appeals, but the Examiner did not allow that to happen, choosing instead to reject claims 7 and 8 under 35 U.S.C. §103(a) over Moore ('307) in view of Morse, Jr. ('924). Other than that, all of the other rejections are identical to the ones prior to Applicant's notice of appeal, and Applicant rests on all of the arguments previously made of record with regard to those claims. With regard to claims 7 and 8, although Morse, Jr. resides in a sign-making stencil method, it is entirely unrelated to a lighted stanchion. There being no teaching or suggestion from the prior art as to the Moore/Morse, Jr. combination, *prima facie* obviousness clearly has not been established.

Respectfully submitted,

By: 

John C. Posa
Reg. No. 37,424
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, PC
280 N. Old Woodward Ave., Ste 400
Birmingham, MI 48009
(734) 913-9300 FAX (734) 913-6007

Date: Oct. 14, 2003